

Message Text

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ACTION ARA-20

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FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 6150

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: PINS, TD, UK

SUBJECT: LEGAL MANEUVERINGS OF CONVICTED MURDERER ABDUL MALIK--
STATUS REPORT

REF: POS 1562 DEC 73

BEGIN UNCLASSIFIED

1. FOLLOWING ARE DEVELOPMENTS SINCE DECEMBER 1973 IN CONTINUING
LEGAL MANEUVERS IN CONNECTION WITH AUGUST 1972 CONVICTION OF
MICHAEL DE FREITAS, AKA ABDUL MALIK AND MICHAEL X, FOR MURDER
HERE IN TRINIDAD.

DECEMBER 28- JUDGE DISMISSED DEFENSE MOTION CLAIMING DEATH
SENTENCE UNCONSTITUTIONAL CONTRAVENTION OF BAN ON CRUEL AND UNUSUAL
PUNISHMENT.

JANUARY 7-DECEMBER 28 DISMISSAL NULLIFIED ON BASIS THAT DEFENSE
HAD HAD INADEQUATE OPPORTUNITY TO PRESENT ARGUMENT.

FEBRUARY 8-HIGH COURT JUDGE (DIFFERENT JUSTICE) DISMISSED DEFENSE
PLEA ON UNCONSTITUTIONALITY OF DEATH SENTENCE.

FEBRUARY 15-JUDGE GIVES WRITTEN RULING OF DISMISSAL OF PLEA.

2. SUBSEQUENTLY, DEFENSE HAS APPEALED AGAINST ADVERSE RULING.
APPEAL IS TO BE HEARD BY T&T APPEALS COURT IN APRIL. IF APPEALS
COURT UPHOLDS HIGH COURT RULING AGAINST UNCONSTITUTIONALITY
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MOTION, IT WOULD STILL BE POSSIBLE FOR ISSUE TO BE FURTHER

APPEALED TO PRIVY COUNCIL IN LONDON, AS WAS ORIGINAL CONVICTION.

COMMENT:

3. CONTRARY TO IMPRESSION OF MANY HERE THAT EXECUTION COULD COME AT ANY TIME, LEGAL SCENARIO APPARENTLY STILL HAS SOME DISTANCE TO GO BEFORE MALIK CAN BE HANGED. CONTRARY TO IMPRESSIONS IN SOME CIRCLES ABROAD THAT MALIK IS POLITICAL FIGURE, HE IS VIEWED BY ALL SECTIONS OF SOCIETY HERE AS MERELY A BRUTAL CRIMINAL OF MOST REPREHENSIBLE KIND. TRINIDADIAN FIND FOREIGN INTEREST IN CASE AND ATTEMPT ABROAD TO PORTRAY MALIK AS VICTIM OF POLITICAL PERSECUTION INCOMPREHENSIBLE AT BEST, AND EFFORTS BY US LEGAL AND OTHER PROMINENT PERSONALITIES ON MALIK'S BEHALF HAVE AROUSED HIGH DEGREE OF RESENTMENT LOCALLY. MANY ALSO ACTIVELY RESENT IMPLICATION THAT COURTS HERE UNFAIR. MALIK'S SENTENCE IS SIMPLY NOT AN ISSUE WITHIN TRINIDAD.
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4. ATTORNEY GENERAL BASIL PITT INFORMED AMBASSADOR THAT HE AND PRIME MINISTER HAD RECEIVED 166 LETTERS OPPOSING MALIK'S DEATH SENTENCE, BUT OF THE 166 ONLY TWO WERE FROM TRINIDAD. OF THOSE TWO, ONE WAS FROM CLOSE RELATIVE OF MALIK AND OTHER FROM INDIVIDUAL MERELY STATING OPPOSITION TO CAPITAL PUNISHMENT IN GENERAL.
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